

Appl. No. 09/765,291
Amdt. dated March 2, 2012
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1631

PATENT

Amendment(s) to the Drawings:

Please replace sheet 9 containing FIG. 10 and FIG. 12 with the accompanying replacement sheet providing color photographs of FIG. 10 and FIG. 12.

REMARKS

Status of the claims

With entry of the instant amendment, claims 127, 128, 133, 139, 154, and 155 are amended; and claims 132 and 148 are cancelled. Claims 127 and 128 are amended to incorporate the subject matter of claim 132. Claims 133 and 139 are amended to update the dependencies in view of the amendment to claim 127 and cancellation of claim 132. Claims 154 and 155 are re-written as independent claims containing the elements of claim 148 from which they depended prior to this amendment.

Claims 127, 128, 130, 131, 133, 134, 136-142, 146, 147, and 150-155 are pending and under examination.

Amendment to the specification, drawings

The description of the drawings are amended to remove references that the drawings for Figures 2A, 2B, 3, and 5 are color drawings; and to insert the reference to color drawings noted on page 2 of the Final Office Action as the first paragraph in the BRIEF DESCRIPTION OF THE DRAWINGS section.

The drawings are amended to replace Figures 10 and 12 (contained on sheet 9) with color drawings. This amendment is accompanied by a petition and appropriate fee set forth in 37 CFR 1.17(h). One set of the color drawing sheet is being submitted herewith via EFS-web in accordance with Section H, former Section XXII, of the Legal Framework for EFS-Web updated April 6, 2011. It is Applicants' understanding that only one set is necessary in view of the information contained in the noted section of the Legal Framework for EFS-Web.

Obviousness-type Double Patenting Rejections

Claims 127, 128, 130, 131, and 148 are rejected for alleged obviousness-type double patenting over claims 4, 5, 11, and 14 of U.S. Patent No. 6,280,929. Applicants first note that claims 4 and 5 of the '929 patent are disclaimed. However, in the interests of facilitating

Appl. No. 09/765,291
Amdt. dated March 2, 2012
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1631

PATENT

allowance of the claims, the claims are amended to reflect the subject matter that the Examiner indicated as being allowable.

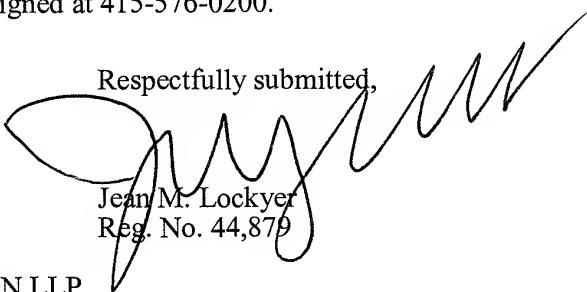
Claim 137 is rejected as allegedly unpatentable over claims 4, 5, 11, and 14 of U.S. Patent No. 6,280,929 in view of Bartram *et al.* in view of Ribeiro *et al.* Applicants note that prior to this amendment, claim 137 depended from claim 132, which the Examiner acknowledged as being drawn to allowable subject matter, through the dependencies of claims 136, 134, and 133. In view of the present amendments, claim 137 now depends from claim 127, which is amended to include the subject matter of claim 132, now cancelled.

CONCLUSION

Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Jean M. Lockyer
Reg. No. 44,879

KILPATRICK TOWNSEND & STOCKTON LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments
JML:jml
63999921 v1